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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,606	10/20/2000	Robert O. Banker	A-6285	8447

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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LAWRENCEVILLE, GA 30044

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/693,606	BANKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ngoc K. Vu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 6,738,978 B1).

Regarding claim 1, Hendricks discloses a method for providing a television menu comprising:

receiving a plurality of television channels provided by a respective plurality of television services via a set top terminal (STT) (for instance, STT 220 receives video signals including a plurality of television channels provided by a plurality of television services, for instance, channels 2-12 as "basic service", channels 13-23 as "basic plus"; channels 24-34 as "economy package", and other television channels provided by high definition service, and interactive service...etc – see figures 30c-31, 33b-36a and col. 8, lines 31-34);

storing definitional information (program control information and menu templates) regarding a plurality of television menus (i.e., menus A-Z) in which each television menu includes at least one television menu option (for instance, menus 1004 includes menu options 1420, 1422, 1424 and 1426 as shown in figures 30c-30f), the at least one television menu

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option being defined for each television menu based on each television service (for instance, basic service, basic plus, interactive service...etc) (see figures 30c-30f and 33a-36a; col. 15, lines 24-55; col. 45, line 47 to col. 47, line 18; col. 13, lines 8-40; col. 19, lines 27-48);

tuning to one of the plurality of television channels via the STT (tuning to one of the television channels via STT 220 for viewing a television program – see figures 24a-b);

receiving an input signal from a user to provide a television menu (see col. 43-44, lines 66-5);

responsive to the input signal, identifying a television service (i.e., interactive service) corresponding to the tuned television channel currently being provided to the user via the STT (i.e., the television program being viewed – see col. 43, lines 58-65); and

providing one of the plurality of television menus (i.e., menu 1310 – see figure 35a) to the user that includes at least one television menu option (i.e., 3 options as shown in figure 35a) that is selected based on the identified television service (interactive service) for the tuned television channel (the channel provides the program being viewed) (see col. 49, lines 15-23; col. 8, lines 49-53; col. 43, line 58 to col. 44, line 12 and figure 35a).

As to claim 14, see the rejection of claim 1 since claim 14 recites the similar limitations of claim 1.

Regarding claim 5, Hendricks discloses a programmable television services client device (220) that provides television control services, said client device comprising:

a tuner device (603 – see figure 24a-b) tuning to one of a plurality of television channels provided by a respective plurality of television services (for instance, STT 220 receives video signals including a plurality of television channels provided by a plurality of television services, for instance, channels 2-12 as “basic service”, channels 13-23 as “basic plus”; channels 24-34

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as “economy package”, and other television channels provided by high definition service, and interactive service...etc – see figures 30c-31, 33b-36a and col. 8, lines 31-34);

memory (M or video storage – see figure 24a-b) for storing definitional information (program control information and menu templates) regarding a plurality of television menus (i.e., menus A-Z) in which each television menu includes at least one television menu option (for instance, menus 1004 includes menu options 1420, 1422, 1424 and 1426 as shown in figures 30c-30f), the at least one television menu option being defined for each television menu based on each television service (for instance, basic service, basic plus, interactive service...etc) (see figures 30c-30f and 33a-36a; col. 15, lines 24-55; col. 45, line 47 to col. 47, line 18; col. 13, lines 8-40; col. 19, lines 27-48);

a processor (602) coupled to said memory that is configured to receive an input signal from a user (see figures 3 and 24a-b); responsive to the input signal, identifying a television service (i.e., interactive service) corresponding to the tuned television channel currently being provided to the user via the STT (i.e., the television program being viewed – see col. 43-44, lines 66-5); provide one of the plurality of television menus (i.e., menu 1310 – see figure 35a) to the user that includes at least one television menu option (i.e., 3 options as shown in figure 35a) that is selected based on the identified television service (interactive service) for the tuned television channel (the channel provides the program being viewed) (see col. 49, lines 15-23; col. 8, lines 49-53; col. 43, line 58 to col. 44, line 12 and figure 35a).

As to claims 9 and 23, see the rejection of claim 5 since claims 9 and 23 recite the similar limitations of claim 5.

Regarding claim 19, Hendricks discloses a programmable television services client device (220) that provides television control services, said client device comprising:

a tuner device (603 – see figure 24a-b) tuning to one of a plurality of television channels (for instance, STT 220 receives video signals including a plurality of television channels – see figure 28 and col. 8, lines 31-34);

memory (M or video storage – see figure 24a-b) for storing definitional information (program control information and menu templates) regarding a plurality of television menus (i.e., menus 30f-30g) in which each television menu includes at least one television menu option (for instance, menus 1004 includes menu options 1426 as shown in figure 30f), the at least one television menu option being defined for each television menu based on each television channel (for instance, basic service, basic plus, interactive service...etc) (see figures 30c-30f and 33a-36a; col. 15, lines 24-55; col. 45, line 47 to col. 47, line 18; col. 13, lines 8-40; col. 19, lines 27-48);

a processor (602) coupled to said memory that is configured to receive an input signal from a user (see figures 3 and 24a-b); responsive to the input signal, identifying a television channel that is currently being provided to the user (i.e., a channel currently being provided to the user for viewing a television program – see col. 43-44, lines 66-5); provide one of the plurality of television menus (i.e., menu 1310 – see figure 35a) to the user that includes at least one television menu option (i.e., 3 options as shown in figure 35a) that is selected based on the identified television channel (based on the tuned channel included the television program being viewed - see col. 49, lines 15-23; col. 8, lines 49-53; col. 43, line 58 to col. 44, line 12 and figure 35a).

As to claim 21, see the rejection of claim 19 since claim 21 recites the similar limitations of claim 19.

Regarding claim 2, Hendricks teaches that the service provided is identified by an operating system (i.e., at STT – see col. 45, lines 41-48; col. 49, lines 2-8).

Regarding claim 3, Hendricks teaches that the service is identified by information previously stored in memory (in STT – see col. 19, lines 27-38 and 39-48).

Regarding claim 4, Hendricks teaches that a user input corresponds to a predefined input signal (i.e., interactive logo – see col. 49, lines 15-23).

As to claims 7, 12 and 16, see the rejection of claim 2 since claims 7, 12 and 16 recite the similar limitations of claim 2.

As to claims 6, 11 and 17, see the rejection of claim 3 since claims 6, 11 and 17 recite the similar limitations of claim 3.

As to claims 8, 13 and 18, see the rejection of claim 4 since claims 8, 13 and 18 recite the similar limitations of claim 4.

Regarding claim 10, Hendricks teaches that the television service comprises an information service (see col. 49, lines 1-4).

As to claims 15 and 24, see the rejection of claim 10 since claims 15 and 24 recite the similar limitations of claim 10.

Regarding claim 20, Hendricks teaches that the television channel comprises a television services channel (i.e., interactive service – see col. 48, lines 62-63).

As to claim 22, see the rejection of claim 20 since claim 22 recites the similar limitations of claim 20.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

September 15, 2005